

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

DON HOUSER, #09435-067	:	
Petitioner	:	
v.	:	CIVIL ACTION NO. PJM-06-3182
WARDEN	:	
Defendant	:	

**MEMORANDUM OPINION**

Before the Court is a pleading filed by Don Houser, an inmate at the Federal Correctional Institution in Cumberland, Maryland in which he seeks “relief on this two point enhancement for obstruction of justice.” For the reasons that follow, the pleading, construed pursuant to 28 U.S.C. § 2255, will be dismissed without prejudice for lack of jurisdiction.

Houser does not specify the conviction and sentence from which he seeks relief. There are no records that Houser was ever convicted or sentenced by this Court. Electronic records accessed through the Pacer system show the United States District Court for the Middle District of Pennsylvania sentenced him to 168 months incarceration after he was convicted of possession with intent to distribute cocaine and cocaine base. *See United States v. Houser*, Criminal Action No. 98-291 (M.D. Pa.).

A 28 U.S.C. § 2255 motion challenges the validity of a conviction or sentence, and must be presented in the court that imposed the judgment. *See* 28 U.S.C. § 2255. Insofar as Houser intends to seek relief from the sentence imposed by the United States District Court for the Middle District

of Pennsylvania, he must file his motion in that court. Accordingly, the instant motion will be dismissed without prejudice. A separate Order follows.

DATE: 12/11/06

\_\_\_\_\_/s/\_\_\_\_\_  
PETER J. MESSITTE  
UNITED STATES DISTRICT JUDGE